AZAA-HRZ   25 February 2014

MEMORANDUM FOR AZNG TECHNICIAN PERSONNEL

SUBJECT: Annual Notification of Bargaining Unit Employee's Right to Union Representation

1. This is an annual notification to each AZNG military/civilian technician of their rights under Title 5, United States Code (USC).   Title 5 U.S.C. 7114(a)(2)(b) states "an exclusive representative of an appropriate unit in an agency shall be given the opportunity to be represented at any examination of an employee in the unit by a representative of the agency in connection with an investigation if – (i) the employee reasonably believes that the examination may result in disciplinary action against the employee; and (ii) the employee requests representation."

2. This right is commonly referred to as the "Weingarten" right. Briefly, this Statutory right provides that when an agency representative questions a bargaining unit employee and the employee reasonably believes that a disciplinary action may occur, and the employee requests union representation, the employee is generally entitled to representation if the examination continues. The agency has the following options upon request for union representation:

    a. Supervisor may grant the request, set another time/date for the meeting to take place with the employee and their representative.

    b. Supervisor may continue the investigation without interviewing the employee.

    c. Supervisor may offer the employee a clear choice to either continue the interview without representation or have no interview at all.

3. Remember this "Weingarten" right applies only to bargaining unit employees and notification must be posted to all unit/activity bulletin boards. POC is Lt Col Tim Tucker at 602-267-2056 or DSN 853-2056.

FOR THE ADJUTANT GENERAL:

KRISTINA L SILBERSCHLAG, Colonel, AZ ANG
Human Resources Officer